

AGENDA
MAY 4, 2010 - 6:00 P.M.
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING

OPEN MEETING:

SALUTE TO THE FLAG:

ANNOUNCEMENTS:

PRESENTATIONS: Dr. Avrum Golub will give a power point presentation on the MS4's report.

PUBLIC HEARING(S)

Public Hearing # 1

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 4th day of May, 2010, to consider the following proposed local law:

PROPOSED LOCAL LAW "B" OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO ADD SECTION 256-10A,
VISION OBSTRUCTIONS AT INTERSECTIONS
TO THE CODE OF THE VILLAGE OF NORTHPORT

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. **Legislative Intent**

The Board of Trustees finds that preservation of the Village's heritage and character by establishing a policy which will protect and enhance historic buildings in the Village will enhance the cultural, educational, economic and general welfare of the public, and ensure the harmonious, orderly and efficient growth and development of the Village consistent with its unique heritage and character.

Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, General Municipal Law, Article 5, § 96-a and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply to all lands situated in whole or in part within the boundaries of the Incorporated Village of Northport, except to the extent it is inapplicable to specified zoning districts or individual properties as specifically set forth in the provisions of the code amendments.

Section 4. Amendments:

CHAPTER 256: STREETS AND SIDEWALKS, ARTICLE I, USE REGULATIONS

§256-10A Vision Obstructions at intersections.

- A. It is the intent of the Board of Trustees to regulate obstructions at intersections that impair the vision of vehicular traffic causing safety issues. The Board finds that the regulation of vision obstructions at intersections should be site specific.
- B. The Board of Trustees is authorized by resolution to prohibit or limit:
 - (a) the height of walls, fences, hedges, shrubs, signs or other obstructions to vision more than three (3) feet high to be located on a corner lot within the triangular area bounded by the lines connecting the street corner of the lot and a point twenty-five (25) feet from such corner on each of the intersecting street lines; and
 - (b) vehicular on-street parking within 25 feet of the street corner.
- C. The Board may impose the restrictions authorized by this section at an intersection based upon findings that the restrictions are necessary for the public safety and welfare. The Board shall receive the recommendations of the Chief of Police and the Superintendent of Public Works and a code enforcement official prior to imposing restrictions authorized by this section.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for

any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Public Hearing # 2

PLEASE TAKE NOTICE: that a Public Hearing of the Board of Trustees of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 4th day of May, 2010, to consider the following proposed local law:

**LOCAL LAW "C " OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 215 PEDDLING AND SOLICITING**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that the regulation of unsupervised peddling and solicitation by minors is necessary for the public safety and general welfare of Village residents.

Section 2. Statutory Authority and Supercession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply to all lands situated in whole or in part within the boundaries of the Incorporated Village of Northport.

Section 4. Amendments:

CHAPTER 215: PEDDLING AND SOLICITING

* * *

§215-14. Hours of activity and general regulations.

- A. No person, while conducting the activities of a peddler or solicitor or while distributing printed matter or merchandise samples, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of ~~9:00~~ 8:00 pm and 9:00 a.m.

* * *

G. Age limitations.

- (a) *It shall be unlawful for any person under the age of 18 years to engage in residential peddling or solicitation without direct supervision by a person at least 21 years of age. Direct supervision means the supervising person shall at all times have the minor in sight and shall in no event be more than 100 feet away from the minor being supervised.*
- (b) *Halloween Day solicitations by minors in costume are exempted from this restriction.*

Note:

Existing text to remain in plain type.

New text in *italics*

Deleted text in ~~strikeout~~

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. SEQRA

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 7. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Public Hearing # 3

PLEASE TAKE NOTICE: that a Public Hearing of the Board of Trustees of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 4th day of May, 2010, to consider the following proposed local law:

**LOCAL LAW "D" OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO ENACT A MORATORIUM ON THE CONSTRUCTION
OF WIRELESS TELECOMMUNICATION FACILITIES**

Section 1. Legislative Intent

The Telecommunications Act of 1996 "the Act" and the court decisions interpreting the Act allow for local regulation of facilities, such as antennae, cell towers, and other means by which to carry wireless voice and information transmissions and whose purpose is to provide wireless telecommunications and information, image and data transmissions through cell phones and related hand-held equipment. Such local regulation is limited to that authorized by the Act and the caselaw interpreting said Act.

The Code of the Village of Northport currently does not contain regulations in this area to implement the regulatory authority of the Village as permitted by the Act and caselaw interpreting the Act.

The Board of Trustees now wishes to address these needs for regulation of these wireless communication facilities, including accessory facilities or structures through the preparation and adoption of code amendments that will implement the regulatory authority reserved to the Village.

The Board of Trustees will need at least 90 days to identify and analyze the issues associated with wireless communication facilities and then develop and implement the relevant code amendment(s). Accordingly, it is the Board's intention to impose a limited 90-day moratorium on the acceptance of applications, and the review, processing and approval of pending applications wireless communication facilities and accessory facilities and structures on both private and public property, to permit the preparation and adoption of such amendments. The moratorium will create a more stable development environment

so that the appropriate code amendments can be formulated, considered and adopted in an orderly and thorough manner. It will also prevent the approval of projects that may be subsequently deemed non-conforming under the new regulations.

This moratorium is intended to be applied to all new and currently pending applications or requests for permission to locate wireless communication facilities on private property or in the Village right-of-way.

The moratorium also permits a property owner to apply for an exemption which may be granted by the Board of Trustees under certain circumstances. In making any such exemption determination, the Board of Trustees shall obtain and consider written reports from the Board of Zoning Appeals, Planning Board and Building Inspector and such other sources as required in the discretion of the Board of Trustees, consistent with this Local Law, Village Law and the Village Code. A grant of an exemption to an applicant's application shall include a determination of unnecessary hardship and unique circumstance and a finding that the grant of an exemption will not set precedent for future applications to locate wireless communication facilities and will be consistent with Village goal of regulating these facilities to the maximum extent permitted by law.

Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to the Village Law, Municipal Home Rule Law and State Environmental Quality Review Act and its implementing regulations and expressly supercedes those provisions of the Village Code and New York State Law which would have required the Village, or any Board thereof, to accept process and approve applications involving construction or development of wireless communication facilities on public or private property, within statutory time periods during the moratorium period.

Section 3. Applicability

The provisions of this Local Law shall apply to all public and private lands within the Incorporated Village of Northport.

Section 4. Review and Approval Prohibited

The Village and any Board or Department thereof shall not accept as complete any new application as described herein nor shall it continue to process or approve any such application under the moratorium during the period set forth herein.

Section 5. Time Period

The moratorium established by the Local Law shall apply for a period of 90 days from the effective date hereof. If the proposed code revisions have not been completed within that time,

the Board of Trustees may by resolution extend the moratorium for another 90 day period without public hearing, after which the moratorium shall expire and cannot be further extended.

Section 6. SEQRA

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 7. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 8. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

PUBLIC PARTICIPATION:

BOARD APPROVAL OF WARRANT:

Fiscal Year 2009/2010 General Fund bills in the amount of \$101,601.30

Fiscal Year 2009/2010 Capital Fund bills in the amount of \$ 81,602.60

TREASURER REPORT:

COMMISSIONER REPORTS:

CHIEF OF POLICE REPORT:

SUPERINTENDENT REPORT:

NEW BUSINESS:

OLD BUSINESS: Set date for second informational meeting on Bed & Breakfasts.

REQUESTS:

CORRESPONDENCE:

RESOLUTIONS:

RESOLUTION 2010 – 82 ~ APPROVAL OF THE APRIL 20, 2010 MINUTES

WHEREAS: Copies of the minutes of the April 20, 2010, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

RESOLUTION 2010- 83 LOCAL LAW No. 3 OF 2010

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 4th day of May, 2010, to consider the following local law:

**LOCAL LAW No. 3 OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO ADD SECTION 256-10A,
VISION OBSTRUCTIONS AT INTERSECTIONS
TO THE CODE OF THE VILLAGE OF NORTHPORT**

RESOLUTION 2010- 84 LOCAL LAW No. 4 OF 2010

WHEREAS: that a Public Hearing of the Board of Trustees of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 4th day of May, 2010, to consider the following local law:

**LOCAL LAW No. 4 OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 215 PEDDLING AND SOLICITING**

RESOLUTION 2010- 85 LOCAL LAW No. 5 OF 2010

WHEREAS: that a Public Hearing of the Board of Trustees of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 4th day of May, 2010, to consider the following local law:

**LOCAL LAW No. 5 OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO ENACT A MORATORIUM ON THE CONSTRUCTION
OF WIRELESS TELECOMMUNICATION FACILITIES**

RESOLUTION 2010 - 86

Resolved that the Police Department's Rules and Regulations, updated September 17, 2009 be and hereby are adopted.

RESOLUTION 2010- 87 ~ SEASONAL EMPLOYMENT

BE IT RESOLVED: that the seasonal applicants recommended by the Village Clerk and Superintendent of Public Works are hereby approved.

+ prior employee

* Village resident
ci ~ call in

Park Maintenance:

Daniel Tizzio	\$10.00/hr
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Beach Manager:

Matthew Bruckenthal*	\$12.50/hr
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Lifeguards:

Glen Field*+	\$10.00/hr
Mariel Kon+	\$10.00/hr
Jenna Kon+	\$10.00/hr
Julian Hayes +	\$10.00/hr
Brendan Hayes+	\$10.00/hr
Brendan Dwyer*	\$10.00/hr
Michael Schramm	\$10.00/hr
Patrick FitzMaurice	\$10.00/hr

Gate Attendants:

Jackson Smith*+	\$8.00/hr
David Shotwell*	\$8.00/hr
Colin O'Neill *	\$8.00/hr

Senior Dockmaster:
Kelli-Marie Koch*+ \$12.50/hr

Dockmaster:

Mike Suchocki+	\$10.00/hr
Danielle Krupka+	\$10.00/hr
Paul (PJ) Vassello+	\$10.00/hr
Elizabeth Drew*+	\$10.00/hr
Joseph Koch*+(ci)	\$10.00/hr

Pumpout Boat:

John Feehan+	\$12.00/hr
Robert Varese+	\$12.00/hr
Joe Koch+*(ci)	\$12.00/hr

RESOLUTION 2010 - 88 ~ SUFFOLK COUNTY STOP DWI CONTRACT

BE IT RESOLVED: that the Board of Trustees of the Village of Northport hereby authorizes the Mayor to execute a contract with the County of Suffolk to participate in the STOP DWI program for calendar year 2010.

RESOLUTION 2010-89 BUDGET TRANSFER

BE IT RESOLVED: The Village Treasurer is hereby authorized to make the following budget transfer:

From: A8160.409 \$2500.00 To: 7140.409 \$2500.00

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will on Tuesday May 18, 2010 at 6:00 PM. Northport Village Hall 224 Main Street Northport, NY 11768

Respectfully submitted,

Donna M. Koch,
Village Clerk